

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

2014 OCT -3 PM 1:04

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SO. DIST. OF GA.

GREGORY SAXON, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
TALMADGE ROYAL, d/b/a Sno )  
Frost, )  
 )  
Defendant. )

CASE NO. CV414-089

O R D E R

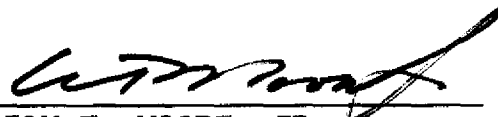
Before the Court is Defendant's Motion to Open Default. (Doc. 15.) On July 10, 2014, the Clerk of Court placed Defendant in default for failure to timely answer Plaintiff's complaint. (Doc. 11.) Subsequently, Defendant filed his motion seeking to set aside that default. (Doc. 15 at 1.) In support of his request, Defendant states that Plaintiff's summons incorrectly states that Defendant had forty-five days to file his answer, rather than the twenty-one days allowed under Federal Rule of Civil Procedure 12(a)(1)(A)(i). (Id.; see also id., Ex. A. at 2.) Plaintiff did not respond to Defendant's motion.

After careful consideration, the Court concludes that Defendant has shown good cause to set aside the Clerk of Court's entry of default. In addition, Plaintiff's failure to respond indicates he has no opposition to Defendant's request. See S.D.



Ga. L.R. 7.5. Accordingly, the Clerk of Court is **DIRECTED** to set aside the entry of default pursuant to Federal Rule of Civil Procedure 55(c). Defendant **SHALL** have **twenty-one days** from the date of this order to properly answer Plaintiff's complaint.

SO ORDERED this 24<sup>th</sup> day of October 2014.



WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA